

REMARKS

Claim 37 has been canceled without prejudice. Claim 6 has been amended to include the limitation of claim 37. Claims 6 and 8-11 are pending in the present application. Reexamination and allowance of the pending claims are respectfully requested.

Applicant wishes to thank Examiners Cuomo and Hawk for their courtesy in granting the undersigned a phone interview on July 21, 2006. Claims 6 and 37, and the applicability of the cited references, were discussed during that interview.

Claim 6 stands rejected under 35 USC 112, second paragraph, because the Examiner finds that the phrase "an item of furniture positioned in the space" to be unclear as to what the Applicant intends this element to be or how the element relates to the rest of the claimed subject matter. Unfortunately, the undersigned forgot to discuss this rejection during the phone interview. However, in response, Applicant believes that this phrase is clear in both regards:

1. Applicant intends this element to be any item of furniture, which as disclosed in the specification, can be a table, bed, chair or cabinet, among other furniture items. Applicant submits that it is not necessary to recite the specific type of furniture, since the claimed invention is not directed to the arrangement of the four panels with any specific item of furniture, but is directed to the arrangement of the four panels with any type or piece of furniture.
2. The phrase itself describes "how the element relates to the rest of the claimed subject matter" by reciting that the piece of furniture is positioned inside the space defined by the four panels.

Independent claim 6 stands rejected under 35 USC 103(a) as being unpatentable over USP 6,360,761 to Zheng ("Zheng '761") in view of USP 6,446,396 to Marangoni et al. ("Marangoni"). Claim 37 stands rejected under 35 USC 103(a) as being unpatentable over Zheng '761 in view of Marangoni, and further in view of USP 6,082,386 to Zheng ("Zheng '386"). These rejections are respectfully traversed.

Claim 6 has been amended to include the limitation in claim 37, the four panels are connected together and oriented vertically to form a ring of panels that define a space therebetween, with an item of furniture positioned in the space.

To support the rejection of claim 37, the Examiner appears to rely on FIG. 4 of Zheng '386 to show vertically-oriented panels, and argues that this vertical orientation of the panels can be applied to the structure of FIG. 5 in Zheng '761, as modified by

Marangoni. However, as explained by the undersigned during the phone interview, there is no teaching, suggestion or incentive to change the horizontal orientations of the panels 22 and 28 in FIG. 5 of Zheng '761 to a vertical orientation, and certainly Zheng '386 would not provide any such suggestion or incentive. In particular, if a person skilled in the art begins with the structure 20 shown in FIG. 5 of Zheng '761, this skilled person will see that the structure 20 already has four vertically-oriented panels 24, 26, 60 and 70. Therefore, this skilled person does not need to consult Zheng '386 to see a structure that has four vertically-oriented panels, since FIG. 5 of Zheng '761 already illustrates this.

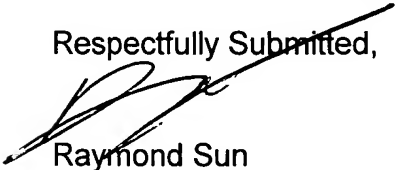
Significantly, the arrangement of the panels 24, 26, 60 and 70 makes it impossible to modify the structure 20 to achieve four vertical-orientally panels 24, 26, 60 and 70 that have the specific inter-connections that are recited in claim 6. The structure 20 has six panels 22, 24, 26, 28, 60 and 70 that are interconnected in an arrangement such that these panels define an enclosed space. To modify the structure 20 to arrive at the claimed structure would require the following six changes: (i) eliminating the hinged connection between panels 28 and 70, (ii) eliminating the hinged connection between panels 22 and 60, (iii) hingedly connecting panels 26 and 60 when no previous connection existed between them, (iv) hingedly connecting panels 24 and 70 when no previous connection existed between them, (v) providing a removable connection between panels 70 and 26 when no previous connection existed between them, and (vi) providing a removable connection between panels 60 and 24 when no previous connection existed between them. Applicant respectfully submits that these six modifications far exceed anything that can be readily suggested to, or deduced by, a person skilled in the art, and that it would require impermissible hindsight reconstruction to arrive at these six changes.

In addition, a person skilled in the art who is faced with the objective of the present invention (i.e., surrounding an item of furniture with a plurality of collapsible vertically-oriented panels) would not even consider the applicability of the structure 20 in FIG. 5 of Zheng '761 to such an objective. The furniture item will need to be slid into the space between the top and bottom panels 22 and 28, and then seated on top of the bottom panel 22. This is inconvenient, and can damage the bottom panel 22. Therefore, a person skilled in the art would have no incentive to even consider the teaching in Marangoni that wall panels can be used to surround furniture items.

Thus, claim 6, and claims 8-11 depending therefrom, are submitted to be allowable over Zheng '761, Marangoni and Zheng '386.

In light of the above, allowance of all pending claims is respectfully requested. The Examiner is invited to telephone the undersigned if there are any informal matters that can be resolved in a phone conversation, or if the Examiner has any suggestions or ideas that would further advance the prosecution of this case.

Respectfully Submitted,



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Date: July 25, 2006

By:



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